

Message Text

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ACTION IO-13

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C O R R E C T E D C O P Y (PARA NBR 2 ADDED)

E.O. 11652: N/A

TAGS: PDIP, UN

SUBJECT: UN SLAVERY CASE

REF: USUN 5512 OF NOVEMBER 22, 1976

1. UN LEGAL COUNSEL ERIK SUY HAS WRITTEN AMBASSADOR YOUNG AND REQUESTED HIS ASSISTANCE IN OBTAINING EARLY REPLY TO LETTER HE SENT ON NOVEMBER 17, 1976 TO AMBASSADOR SCRANTON REQUESTING, AMONG OTHER THINGS, DEPARTMENT'S CONFIRMATION OF UN UNDERSTANDING THAT MINIMUM WAGE LEGISLATION WAS NOT DEEMED TO APPLY TO FOREIGN DOMESTICS FORMING PART OF HOUSEHOLD OF DIPLOMATIC AGENTS OF INTERNATIONAL ORGANIZATION PERSONNEL WHILE STATIONED IN UNITED STATES. TEXT OF SUY LETTER IS AS FOLLOWS: QTE

MR DEAR AMBASSADOR,

I AM TAKING THE LIBERTY OF SENDING YOU HEREWTH A COPY OF A LETTER DATED 17 NOVEMBER 1976, WHICH I ADDRESSED TO YOUR PREDECESSOR ON A MATTER OF VERY GREAT CONCERN TO THE SECRETARIAT OF THE UNITED NATIONS, AND INDEED TO THE WHOLE OF THE DIPLOMATIC COMMUNITY IN BOTH NEW YORK AND WASHINGTON AND THE CONSULAR COMMUNITY AS WELL. THE SUBJECT OF THE LETTER WAS A CLASS ACTION LAWSUIT BROUGHT IN FEDERALL UNCLASSIFIED

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COURT AGAINST A UNITED NATIONS STAFF MEMBER AND POTENTIALLY AFFECTING ALL SECRETARIAT OFFICIALS AND DIPLOMATIC AND COUNSULAR PERSONNEL EMPLOYING G-5 OR A-3 HOUSEHOLD STAFF. THE DAMAGES REQUESTED WERE \$51,000,000. AMBASSADOR SCRANTON WAS KIND ENOUGH TO FORWARD MY LETTER TO THE DEPARTMENT OF STATE, BUT BY THE TIME HE LEFT OFFICE NO REPLY HAD BEEN RECEIVED.

THE ENCLOSED LETTER IS, I THINK, SELF-EXPLANATORY AND IT WOULD BE REPETITIOUS THEREFORE FOR ME TO EXPAND HERE ON THE ISSUE AT STAKE. OUR IMMEDIATE NEED FOR AN EARLY AND POSITIVE REPLY, HOWEVER, SPRINGS FROM THE FACT THAT WE HERE HAVE A UNITED NATIONS STAFF MEMBER, WITH LIMITED MEANS, FACED WITH A LAW SUIT, WHERE HIS DEFENCE COST PURELY ON A MOTION TO DISMISS ARE ALREADY IN EXCESS OF \$20,000. THIS IS A SUM BEYOND HIS CAPACITY TO PAY AND AS THE PLAINTIFFS APPEAR TO BE BACKED BY A LARGE ORGANIZATION, THE LAWYERS OF WHICH HAVE ANNOUNCED THEY WILL AMEND THEIR ALLEGATIONS UNTIL THEY ARE COGNIZABLE BY A U.S. COURT, THERE MAY BE NO END TO THE MATTER, AND THUS TO ESCALATING DEFENCE COSTS, WITHOUT THE ACTIVE ASSISTANCE OF THE DEPARTMENT OF STATE.

THE ORGANIZATION WHICH NOW APPEARS FROM THE LATEST PLEADINGS TO BE BACKING THE PLAINTIFFS IS ONE WHICH HAS DONE MUCH FOR INDIVIDUAL RIGHTS AND LIBERTIES - THE AMERICAN CIVIL LIBERTIES UNION - BUT I MUST SAY THAT WE DOUBT THE PROCEDURES FOLLOWED BY ITS LAWYERS IN THIS MATTER. IN AN ATTEMPT TO MAKE A FEDERAL CASE (AND I USE THE PHRASE LITERALLY), A UNITED NATIONS STAFF MEMBER HAS BEEN ACCUSED OF EN-SLAVING A DOMESTIC FROM HIS HOME COUNTRY. OUR OWN ENQUIRIES HAVE NOT DISCLOSED ANY SHADOW OF SUBSTANCE TO THE SLAVERY CHARGE, OR TO ANY ALLEGATIONS OF MISTREATMENT OF THE DOMESTIC CONCERNED.

THE REAL LEGAL ISSUE IS ONE OF THE APPLICABILITY OF MINIMUM WAGE LEGISLATION IN THE UNITED STATES TO FOREIGN DOMESTICS FORMIG PART OF THE HOUSEHOLDS OF DIPLOMATIC AGENTS AND OF INTERNATIONAL ORGANIZATION OFFICIALS (OTHER THAN U.S. CITIZENS AND PERAMENT RESIDENTS). THIS IS AN ISSUE WHERE, IN ALL GOOD FAITH, THE UNITED NATIONS WAS LED TO UNDE UNCLASSIFIED

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5AND THAT MINIMUM WAGE LEGISTLATION DID NOT APPLY. THE REASONS FOR THIS UNDERSTANDING ARE EXPLAINED IN THE ENCLOSED LETTER. IN ANY EVENT, THIS IS NOT A MATTER WHICH SHOULD BE RESOLVED BY A SENSATIONAL AND UNFOUNDED LAW SUIT AGAINST UN UNFORTUNATE INDIVIDUAL STAFF MEMBER

. IT SHOULD INSTEAD BE EXAMINED AND A SOLUTION AGREED UPON IN DISCUSSIONS BETWEEN THE HOST STATE AND THE INTERESTED ORGANIZATIONS.

IT IS OUR HOPE, WITH YOUR ASSISTANCE AND THAT OF THE DEPARTMENT OF STATE, TO HAVE AN EARLY RESOLUTION OF THE PRESENT CASE SO THAT WE MAY PROCEED TO DISCUSSIONS WITH THE DEPARTMENT OF STATE ON GUIDELINES FOR THE FUTURE WHERE THE EMPLOYMENT OF FOREIGN DOMESTICS IS CONCERNED

. I WOULD THEREFORE BE MOST GRATEFUL FOR YOUR HELP IN OBTAINING AN EARLY AND POSITIVE REPLY FROM THE DEPARTMENT OF STATE TO MY ORIGINAL LETTER, AS WELL AS FOR ANY OTHER HELP YOU CAN GIVE US IN THIS MATTER.

ACCEPT, MY DEAR AMBASSADOR, THE ASSURANCES OF MY HIGHEST
CONSIDERATION.

ERIK SUY
THE LEGAL COUNSEL UNQTE.

2. WE INTEND TO DISCUSS LETTER WITH L/UNA - DAVID STEWART,
WHO IS COMING TO USUN FROM WASHINGTON ON MARCH 14, 1977.
BENNETT

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Message Attributes

Automatic Decaptioning: X
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Sent Date: 11-Mar-1977 12:00:00 am
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Disposition Comment:
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